

Remarks/Arguments

In the Specification:

The Abstract has been amended to correct minor editorial problems that were pointed out in the Office action.

Paragraph [0088] has been amended in response to the Examiner's objection (Office action page 4). Paragraph [0088] has been amended to clarify an example of error-handling, by repeating information found in various parts of the patent application (e.g. paragraphs [0085] and [0087], and Blocks 511-515 of FIG. 5). No new matter has been added. As to other objections to the specification (Office action page 4), it is requested that objections or requirements as to form, not necessary to further consideration of the claims, be held in abeyance until allowable subject matter is indicated.

The above-mentioned amendment to Paragraph [0088] was discussed with Examiner Robert Stevens and Supervisory Patent Examiner Joseph Feild in the telephone interview of September 27, 2004. Also discussed were claim amendments, and questions concerning the prima facie case of nonstatutory subject matter, the prima facie case of anticipation and the prima facie case of obviousness (see Errors in Rejection below).

In the Claims:

The claims have been amended in response to the Examiner's objections and rejections. Claim 1 is amended in response to multiple rejections. The amendment adds a description, found in the specification, of "boolean variable,"

Appl. No.: 09/838420
Amendment and Reply to Office action of July 2, 2004

which is not described in the references relied upon by the Office. The amendment adds a clause concerning the table, according to FIG. 4 and the written description. Such a table is not described in the references relied upon by the Office. The amendments should remove any doubt that Claim 1 has allowable subject matter. Claim 10 is amended to reflect details of Claim 1.

The Office action at page 6 contains a suggestion that Claims 2 and 7 were indefinite, due to using forms of the word "activate" along with the term "status value." The claims are amended to remove forms of the word "activate," to better reflect language of the written description, and to avoid confusion with the term "status value." There is an amendment to clarify Claim 9's dependency. The amendments should remove any doubt that Claims 2, 7 and 9 are sufficiently definite. Several claims are amended to correct minor editorial problems that were pointed out in the Office action.

Errors in Rejection

The assignee respectfully asserts that:

1. It was erroneous to reject claims under 35 U.S.C. 101, as being directed to nonstatutory subject matter. A prima facie case of nonstatutory subject matter has not been established.
2. It was erroneous to reject Claims 1, 2, 4, 6, 10, and 11, under 35 U.S.C. 102, as being anticipated by Blood's spreadsheet *sum_if*. A prima facie case of anticipation has not been established.
3. It was erroneous to reject Claims 3, 5, 7, 8, and 9, under 35 U.S.C. 103, over Blood's spreadsheet *sum_if*. A prima facie case of obviousness has not been established.

1. Argument regarding 35 U.S.C. 101 and statutory subject matter.

The proper standard for patentable subject matter in computer-related inventions is stated in MPEP 2106 II. A .: "The claimed invention as a whole must accomplish a practical application. That is, it must produce a 'useful, concrete and tangible result.... Office personnel have the burden to establish a prima facie case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result."

It is clear that a useful, concrete and tangible result is produced by the rejected claims, when these claims are read in light of the specification. In the present patent application, the Office cannot show that the claimed invention as a whole is directed to solely an abstract idea, or to manipulation of abstract ideas, or does not produce a useful result. Thus the Office has not satisfied its burden to establish a prima facie case of nonstatutory subject matter. The Office action at Page 5 appears to assert that method claims need to contain certain physical limitations, that name some technological apparatus. This is not supported by the MPEP or case law.

Argument regarding 35 U.S.C. 102 and lack of a prima facie case of anticipation:

As stated in MPEP 2131, to anticipate a claim, a reference must teach every element of the claim. The following arguments point out some limitations in the rejected claims which are not described in the reference relied upon (Blood's spreadsheet *sum_if*). Thus a prima facie case of anticipation has not been established.

Appl. No.: 09/838420
Amendment and Reply to Office action of July 2, 2004

Limitations in the rejected claims which are not described in the reference relied upon in the rejection.

Here are examples found in Claim 1: "defining one or a plurality of boolean variables in a table...."

Concerning "boolean variables," consider an example from the specification of the subject patent application (Page 13, or Paragraph 46 of the published version).

An option is defined as a boolean variable, which can be set as "True" or "False" and which may impact the content of any given cell within an electronic spreadsheet For instance the formula "\$baseprice *(1-10%*\$discount)" refers ... to a named range "discount" which is also defined as an option according to the present invention. In this example, ... when the option "discount" is "true" (with option value "true" conventionally set to 1), the formula results in a value equal to the value of the named range "baseprice", decreased by 10%.

Nothing like this is described in the reference the Office action relies on.

Concerning the "table" found in Claim 1, consider option table 400 shown in FIG. 4. Nothing like this is described in the reference the Office action relies on.

Rejected Claims 2-11 are not separately argued.

The points made above, concerning Claim 1, also apply to Claims 2-11, which depend upon Claim 1. Thus a prima facie case of anticipation has not been established.

Appl. No.: 09/838420
Amendment and Reply to Office action of July 2, 2004

Argument regarding 35 U.S.C. 103 and lack of a prima facie case of obviousness:

As stated in MPEP 2142: "The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." As stated in MPEP 2143 and 2143.03, a requirement for establishing a prima facie case of obviousness is that the reference or references must teach or suggest all the claim limitations.

A. Limitations in the Rejected Claims Which Are Not Described in the References

Relied On:

The above-mentioned language from Claim 1 provides an example that is relevant, because the rejected claims depend upon Claim 1: "defining one or a plurality of boolean variables in a table...." This is not described in the references, as explained above.

B. Why the References, Taken as a Whole, Do Not Suggest the Claimed Subject Matter:

The cited references do not suggest a solution involving above-quoted subject matter of rejected Claim 1 for example. Blood's spreadsheet *sum_if* contains so little information that it does not suggest anything beyond the one solution that is shown. The cited material from Shaw does not suggest anything concerning above-quoted subject matter of rejected Claim 1.

Assignee respectfully submits that the rejection of Claims 1-11 should be withdrawn, and requests that a timely Notice of Allowance be issued in this case.

Appl. No.: 09/838420
Amendment and Reply to Office action of July 2, 2004

Respectfully submitted,


Paul D. Heydon
Attorney for Assignee
Reg. No. 46,769
3004 Nacogdoches Road
San Antonio, TX 78217
(210) 930-4300

Attachments

Appl. No.: 09/838420
Amendment and Reply to Office action of July 2, 2004

Amendments to the Drawings: attached are 9 replacement sheets with proper margins, containing FIGS 1A-6.

Attachment: replacement sheets